

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PEORIA TAZEWELL PATHOLOGY)	
GROUP, S.C.; CONSULTANTS IN)	
LABORATORY MEDICINE AND)	
PATHOLOGY, LTD.; CONSULTANTS IN)	
CLINICAL PATHOLOGY, LTD.;)	
R. GLENN HESSEL, M.D.; RONALD)	
CHAMPAGNE, M.D.,)	
)	
Plaintiffs,)	
)	CASE NO. 11 cv 04317
v.)	
)	JUDGE John W. Darrah
JACK MESSMORE, ACTING DIRECTOR)	
OF THE STATE OF ILLINOIS)	
DEPARTMENT OF INSURANCE, in His)	
Official Capacity; ILLINOIS)	
DEPARTMENT OF INSURANCE; LISA)	
MADIGAN, ATTORNEY GENERAL OF)	
THE STATE OF ILLINOIS, in Her Official)	
Capacity; STATE OF ILLINOIS)	
c/o LISA MADIGAN, ATTORNEY)	
GENERAL OF THE STATE OF)	
ILLINOIS,)	
)	
Defendants.)	

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs, Peoria Tazewell Pathology Group, S.C. ("PTPG"), Consultants in Laboratory Medicine and Pathology Ltd. ("CLMP") and Consultants in Clinical Pathology, Ltd. ("CCP"), R. Glenn Hessel, M.D., and Ronald Champagne, M.D. (hereinafter, collectively "Plaintiffs") moves this Court pursuant to Rule 65(a) of the Federal Rules of Civil Procedure to issue a Preliminary Injunction enjoining Defendants, The Illinois Department of Insurance; Jack Messmore, Acting Director of The Illinois Department of Insurance, in his official capacity; The

State of Illinois; Lisa Madigan, Illinois Attorney General, in her official capacity, (hereinafter, collectively “State”) from:

A. implementation and enforcement of the statute known as Public Act 096-1523, codified as amendments to 215 ILCS § 356z.3 and at new section 215 ILCS § 356z.3a (hereinafter “the Statute”); and

B. from taking any action against Plaintiffs or any other nonparticipating in-facility provider, as that term is defined within the Statute, for any failure to comply with the terms of the Statute.

Plaintiffs also seek by separate motion an expedited briefing schedule and hearing on this motion. In support of their motion, Plaintiffs incorporate herein and rely upon the facts and law set forth in their Brief in Support, Supporting Affidavits being filed concurrently herewith, and the Verified Complaint filed on Friday, June 24, 2011.

A proposed Order is attached hereto for the Court’s convenience.

Respectfully submitted,

Peoria Tazewell Pathology Group, S.C.,
Consultants in Laboratory Medicine and
Pathology, Ltd., Consultants in Clinical
Pathology, Ltd., R. Glenn Hessel, M.D. and
Ronald Champagne, M.D.

By: /s/Richard N. Kessler
One of their Attorneys

ATTORNEYS FOR PLAINTIFFS
McDONALD HOPKINS LLC
RICHARD N. KESSLER (6183140)
JOSEPH J. JACOBI (6273967)
300 N. LaSalle Street, Suite 2100
Chicago, Illinois 60654
Tel: (312) 280-0111
Fax: (312) 280-8236
Email: rkessler@mcdonaldhopkins.com
jjacobi@mcdonaldhopkins.com

McDONALD HOPKINS LLC

ANNE OWINGS FORD (OH 0043717) (intent to appear pro hac vice motion filed)

600 Superior Ave., East, Suite 2100

Cleveland, OH 44114

Tel: (216) 348-5400

Fax: (216) 348-5474 (facsimile)

Email: aoford@mcdonaldhopkins.com

Dated: June 27, 2011